

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

The State of Alabama v. Purdue Pharma L.P.,
No. 18-op- 45236-DAP

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**THE MANUFACTURER DEFENDANTS' JOINT MOTION TO DISMISS
ALABAMA'S FIRST AMENDED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Manufacturer Defendants—Purdue Pharma LP, Purdue Pharma Inc., and The Purdue Frederick Company Inc. (“Purdue”); and Endo Health Solutions Inc. and Endo Pharmaceuticals Inc. (“Endo”)—move this Court to dismiss all claims asserted against them in the First Amended Complaint of plaintiff, the State of Alabama, for failure to state a claim upon which relief can be granted. This Motion will be supported by the pleadings, the record, a Memorandum of Law in Support of the Manufacturer Defendants’ Joint Motion to Dismiss Alabama’s First Amended Complaint, which is filed contemporaneously herewith and incorporated herein by reference, oral argument, and any other evidence requested or permitted by the Court.

WHEREFORE, the Manufacturer Defendants respectfully request that the Court grant their Motion in its entirety and dismiss all of Alabama’s claims against them with prejudice.

Dated: June 29, 2018

Respectfully submitted,

By: /s/ Mark S. Cheffo
Mark S. Cheffo
Sheila L. Birnbaum
Hayden A. Coleman
DECHERT LLP

Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036
Tel: (212) 698-3500
Mark.Cheffo@dechert.com
Sheila.Birnbaum@dechert.com
Hayden.Coleman@dechert.com

*Attorneys for Defendants Purdue Pharma L.P.,
Purdue Pharma Inc., and The Purdue Frederick
Company*

By: /s/ Jonathan L. Stern
Jonathan L. Stern
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave. NW
Washington, DC 20001
Tel: (202) 942-5000
jonathan.stern@arnoldporter.com

Sean O. Morris
Arnold & Porter Kaye Scholer LLP
777 S. Figueroa St., Suite 4400
Los Angeles, CA 90017
Tel: (213) 243-4000
sean.morris@arnoldporter.com

*Attorneys for Defendants Endo Health Solutions
Inc. and Endo Pharmaceuticals Inc.*

By: /s/ Steven F. Napolitano (consent)
Steven F. Napolitano
Skarzynski Black
One Battery Park Plaza 32nd Floor
New York, New York 10004
Tel: (212) 820-7746
snapolitano@skarzynski.com

*Attorneys for Defendant Rhodes Pharmaceuticals
L.P*

CERTIFICATE OF SERVICE

I hereby certify that on the 29th of June, 2018, I electronically filed the forgoing with the Clerk of the Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF systems.

Dated: June 29, 2018

By: /s/ *Mark S. Cheffo*

Mark S. Cheffo
DECHEART LLP
Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036
Tel: (212) 698-3500
Mark.Cheffo@dechert.com